

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

**IN RE:**

**JERRY L SMELLEY  
LISA SMELLEY**

**DEBTORS.**

**CASE NO: 10-70057-CMS13  
CHAPTER 13**

**OBJECTION TO CONFIRMATION OF DEBTORS' PLAN**

Comes now C. David Cottingham, Standing Trustee and Objects to the Debtors' plan as proposed and moves that confirmation of the plan be denied for the reason shown below:

\_\_\_\_\_ The value, as of the effective date of the Plan, of property to be distributed under the Plan to each allowed unsecured claim is less than the amount that would be paid on such claims, if the estate of the Debtors were liquidated under Chapter 7 as provided in Section 1325(a)(4)

\_\_\_\_\_ The Plan fails to provide that all of the Debtors' projected disposable income to be received in the applicable commitment period following the due date of the first payment will be applied to make payments to unsecured creditors under the Plan as provided in Section 1325(b)(1)(B).

\_\_\_\_\_ The Plan is not proposed in good faith as provided in Section 1325(a)(3).

\_\_\_\_\_ The Debtors failed to provide a copy of the Federal Income Tax return to the Trustee as required by Section 521(e)(2)(A)(i).

\_\_\_\_\_ The proposed plan payment is not feasible pursuant to Section 1325(a)(6).

XX \_\_\_\_\_ The Plan as proposed cannot be Confirmed with the claims that are filed. Specifically Claim #006 filed by State of Alabama in the amount of \$29,728.30, Claim # 007 filed by State of Alabama in the amount of \$10,489.26, and Claim # 008 filed by Internal Revenue Service in the amount of \$212,086.46. The Plan did not provide for the claims in the amounts filed.

\_\_\_\_\_ The Debtors have one or more potential lawsuits not provided for in the plan.

\_\_\_\_\_ The Debtors have failed to file all applicable Federal, State and local Tax returns as required by Section 1308.

This the 22nd day of February, 2010.

\_\_\_\_\_  
/s/ C. David Cottingham  
C. David Cottingham, Standing Trustee

**THIS MATTER WILL BE HEARD AT THE HEARING ON CONFIRMATION OF THE DEBTORS' PLAN  
UNLESS OTHERWISE ORDERED BY THE COURT**

**Certificate of Service**

This is to certify that I have this day served a copy of the above Objection upon the following parties listed below by mailing a copy of the same with adequate postage thereon or by electronic means when available.

JERRY L and LISA SMELLEY, 4310 CARROLL STREET, NORHTPORT, AL 35475  
CAMRON LAW, ROD CAMERON SHIRLEY , 2330 UNIVERSITY BLVD STE 314, TUSCALOOSA, AL 35401

This the 22nd day of February, 2010.

\_\_\_\_\_  
/s/ C. David Cottingham  
C. David Cottingham, Standing Trustee